

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of the)	
Connecticut Department of Public Utility Control)	
for Authority to Conduct a Transitional)	CC Docket No. 99-200
Service Technology Specific Overlay Trial)	
In Connecticut)	DA 02-1292

**REPLY COMMENTS OF THE CELLULAR TELECOMMUNICATIONS &
INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association (“CTIA”),¹ hereby submits this reply in response to the comments filed with the Commission on June 14, 2002, responding to the Connecticut Department of Public Utility Control’s (“CT DPUC”) Supplemental Petition seeking additional delegated authority to implement a transitional technology-specific service overlay (“SO”).² As CTIA stated in its Comments, the CT DPUC’s request should be denied because it fails to comport with the *Third Report and Order* standard for technology-specific overlays.³ The Commission’s

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² See *Wireline Competition Bureau Seeks Comment on the Supplemental Information to the Supplemental Petition of the Connecticut Department of Public Utility Control for Authority to Conduct a Transitional Service Technology-Specific Service Overlay*, CC Docket No. 99-200, NSD File No. L-02-03 (rel. Feb. 6, 2002).

³ *Numbering Resource Optimization, Third Report and Order*, CC Docket No. 99-200 (rel. Dec. 28, 2001) (“*Third Report and Order*”). The CT DPUC has again

review of the CT DPUC's petition will provide the first interpretation of the new guidelines for the implementation of technology-specific SOs. CTIA agrees with Cingular that it is critical that the Commission "have an opportunity to apply its new guidelines in a meaningful fashion as to provide useful guidance to carriers, states, and other interested parties about how SO proposals can be implemented, consistent with the Commission's numbering resource optimization goals."⁴

After reviewing the comments, CTIA believes more strongly than ever that the CT DPUC has failed to demonstrate that implementation of the proposed SO is superior to the implementation of an all-services overlay. This is especially true at the present time, since wireless carriers are planning to support thousands-block number pooling ("TBNP") on November 24, 2002, and the implementation of pooling will eliminate the benefits of the proposed SO. The majority of commenters in this proceeding agree that the CT DPUC has not shown any benefits of the proposed SO that would exceed the costs of the SO.⁵ Furthermore, the state commission has not "supported its request with specific facts justifying why Connecticut should be authorized to take almost 16 million numbers from the NANP to serve only a subset of communications carriers and

failed to sufficiently address the eight specific factors required to "enable the Commission to examine the feasibility of SOs in a particular area, and determine whether the Commission's stated goals are likely to be met if the SO is implemented." *Id.* at ¶81.

⁴ Cingular Comments at 10.

⁵ VoiceStream Comments at 6; Verizon Wireless Comments at 8 (stating that if relief is needed in Connecticut, it should be provided through an all-services overlay); Cingular Comments at 3-5 (noting that the CT DPUC has not addressed how its proposal will make more efficient use of numbers than would an all services overlay); Verizon Comments at 1 (explaining that "nothing in the record suggests that the lives of the [860 and 203 NPA] codes could be further extended by implementing SO's at this relatively late date").

customers.”⁶ CTIA agrees with VoiceStream that “technology/service-specific overlays based on the fixed/mobile distinction are no longer workable as a practical matter once wireless LNP is implemented.”⁷ The CT DPUC’s proposal should be denied since it will become obsolete and unworkable once wireless LNP is activated.

Not only has the CT DPUC failed to show how its proposal is superior to an all-services overlay, it has not provided the Commission with adequate information to evaluate the need for a technology-specific SO with respect to what services will be included in the proposal. CTIA, along with other commenters, urged the Commission to deny the CT DPUC’s request for relief because it did not answer the fundamental question of which services in its petition will be included in the technology-specific SO, nor was the deficiency remedied in the Supplemental Information.⁸ As Verizon Wireless explains in its Comments, “there is no way to evaluate the need for, competitive impact of, or potential efficacy of a TSO without knowing exactly which services will be subject to the TSO.”⁹ The Commission must deny the CT DPUC’s petition since it does not provide crucial details about the services that would be included in the SOs. The Commission cannot ascertain whether a state’s plan meets the Commission’s criteria when the state commission fails to resolve specific implementation issues before a plan is submitted to the Commission.

⁶ Verizon Wireless Comments at 6.

⁷ VoiceStream Comments at 6.

⁸ CTIA Comments at 5; Cingular Comments at 3-5; Verizon Wireless Comments at 5-6.

⁹ Verizon Wireless Comments at 5-6.

The CT DPUC's petition also seeks a one-year waiver of Ten-Digit Dialing ("TDD") without proper explanation. As CTIA stated in its Comments, the CT DPUC has failed to demonstrate any special circumstances warranting a waiver from the TDD rule and has not explained how its request for a one-year waiver is justified given the anti-competitive effects of seven-digit dialing.¹⁰

Finally, the CT DPUC's Petition should be denied because the proposed trigger to transition the SO to an all-services overlay is inequitable. CTIA agrees that the "inequity inherent in segregating wireless carriers in a separate area code cannot be justified beyond the implementation date of wireless pooling."¹¹ As Cingular explains in its Comments, the CT DPUC has failed to address "the serious numbering resource optimization harm that would result from its proposal to continue to segregate wireless carriers in an SO after they have begun to participate in numbering pooling."

Furthermore, once a technology-specific SO is implemented, a state commission may be tempted to require wireless carriers to obtain new numbering resources exclusively from the numbers available for use in the SO, thus, precluding wireless carriers from enjoying the benefits of pooling.¹² Given the fact that wireless carriers have expended millions of dollars to become pooling capable in November and that pooling is imminent, "the time has long passed when a TSO might have made sense."¹³

¹⁰ Cingular Comments at 7.

¹¹ Cingular Comments at 6.

¹² See Verizon Wireless Comments at 3-4 (explaining that SOs entail the segregation of a subset of carriers into their own exclusive-use NPA).

¹³ Verizon Wireless Comments at 3.

As CTIA and others previously stated in this proceeding, the CT DPUC's March 12 Petition failed to meet these requirements and the Commission should only grant authority to state commissions to implement SOs where it is a justifiable alternative to more traditional forms of area code relief.¹⁴ For these reasons, CTIA respectfully requests that the Commission deny the CT DPUC's request for authority to implement a service overlay.

Respectfully submitted,

/s/ _____

**CELLULAR
TELECOMMUNICATIONS
& INTERNET ASSOCIATION**

1250 Connecticut Ave., N.W., Suite 800
Washington, D.C. 20036
(202) 785-0081

Michael F. Altschul
Senior Vice President & General Counsel

Sarah E. Leeper
Staff Counsel

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¹⁴ CTIA Comments (Feb. 26, 2002); Sprint Opposition at 12-15 (Feb. 26, 2002); Verizon Wireless Comments (Feb. 26, 2002).